

ISMAIL J. RAMSEY (CABN 189820)  
United States Attorney

MARTHA BOERSCH (CABN 126569)  
Chief, Criminal Division

LINA Y. PENG (NYBN 5150032)  
Assistant United States Attorneys

450 Golden Gate Avenue, Box 36055  
San Francisco, California 94102-3495  
Telephone: (415) 436-7200  
FAX: (415) 436-7234  
Email: Lina.Peng@usdoj.gov

Attorneys for United States of America

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA  
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,	)	NO. CR 3:23-MJ-70840 MAG
	)	
Plaintiff,	)	STIPULATION TO CONTINUE PRELIMINARY
	)	HEARING DATE AND EXCLUDE TIME AND
v.	)	[PROPOSED] ORDER
	)	
ADRIAN WEBB,	)	
	)	
Defendant.	)	
	)	
	)	
	)	

The United States, by and through its counsel, Assistant United States Attorney Lina Peng and defendant Adrian Webb, by and through his counsel Ed Swanson, hereby stipulate that the preliminary hearing in this matter currently set for January 8, 2024, should be continued to March 4, 2024, at 10:30 a.m.

The parties are engaged in ongoing discussions regarding the case, and require additional time to complete those discussions, including regarding whether indictment is necessary.

For purposes of computing the date under Rule 5.1 of the Federal Rules of Criminal Procedure for preliminary hearing, and the date under the Speedy Trial Act by which defendants must be charged

STIPULATION TO CONTINUE HEARING AND EXCLUDE TIME AND [PROPOSED] ORDER

Case No. CR 3: 23-MJ-70840-MAG

v.

7/10/2018

1 by indictment or information, the parties agree that the time period of January 8, 2024, through March 4,  
2 2024, should be excluded pursuant to 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i) and (h)(7)(B)(iv). The  
3 delay results from a continuance granted by the Court on the basis of the Court's finding that: (i) the  
4 ends of justice served by the continuance outweigh the best interest of the public and defendant in the  
5 filing of an information or indictment within the period specified in 18 U.S.C. § 3161(b); and (ii) failure  
6 to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for  
7 effective preparation, taking into account the exercise of due diligence.

8 Nothing in this stipulation shall preclude a finding that other provisions of the Speedy Trial Act  
9 dictate that additional time periods be excluded from the period within which an information or  
10 indictment must be filed.

11 IT IS SO STIPULATED.

12  
13 DATED: January 5, 2024

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/s/  
LINA PENG  
Assistant United States Attorney

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16 DATED: January 5, 2024

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/s/  
ED SWANSON  
Counsel for Adrian Webb

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STIPULATION TO CONTINUE HEARING AND EXCLUDE TIME AND [PROPOSED] ORDER

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v.

**[PROPOSED] ORDER**

The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that support a continuance in this matter, and provides good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161, as well as to waive the timing for preliminary hearing under Rule 5.1 of the Federal Rules of Criminal Procedure.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in the filing of an information or indictment within the time period set forth in 18 U.S.C. § 3161(b); and (ii) failure to grant the continuance would unreasonably deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

**THEREFORE, FOR GOOD CAUSE SHOWN:**

The hearing for preliminary hearing or an arraignment on an information in this matter is continued to 10:30 a.m. on March 4, 2024. The time period from January 8, 2024, to March 4, 2024, inclusive, is excluded in computing the time within which an information or indictment must be filed under 18 U.S.C. § 3161(b) pursuant to the provisions of 18 U.S.C. §§ 3161(h)(7)(A), (h)(7)(B)(i), and (B)(iv). Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which an information or indictment must be filed.

**IT IS SO ORDERED.**

DATED: \_\_\_\_\_

\_\_\_\_\_  
HONORABLE LISA J. CISNEROS  
United States Magistrate Judge